

REMARKS/ARGUMENTS

Examiner Interview Summary

A telephonic interview was conducted on March 10, 2009 with Examiner Taylor and the Applicants' undersigned representative. Applicants' undersigned representative discussed independent Claim 1 and the cited reference Reitmeier (US Pat No. 6,115,080) (hereinafter Reitmeier). Examiner Taylor indicated that proposed claim limitations of recalling the digital content from the memory buffer for use in providing a fast channel change operation to the new channel, as claimed appear to overcome Reitmeier by amendment. Applicants have amended independent Claims 1, 17 and 23 to include the discussed limitations.

Claim Rejections 35 U.S.C. §103

Claims 1-29 are rejected, under 35 U.S.C. §103(a), as allegedly being unpatentable over Reitmeier (U.S. Patent No. 6,115,080) (hereinafter Reitmeier) in view of Fries et al., (U.S. Publication No. 2004/0078807) (hereinafter Fries). Applicants respectfully traverse the rejection in view of the following.

Independent Claim 1 recites decoding digital content from the second transport stream and caching the digital content into a memory buffer, as claimed. Independent Claim 1 further recites that upon the first tuner being switched to a new channel associated with said program information stored in the

memory buffer, recalling the digital content from the memory buffer for use in providing a fast channel change operation to the new channel, as claimed.

Accordingly, the same memory component is used in caching and recalling the digital content. As presented above, the Applicant asserts that Reitmeier fails to teach these recited limitations.

The rejection admits that Reitmeier fails to teach that the first transport stream is associated with a first frequency and the second transport stream is associated with a second frequency. The rejection relies on Fries. Applicants respectfully submit that Fries fails to remedy the shortcomings of Reitmeier, as discussed above. Particularly, Fries fails to teach or suggest that upon the first tuner being switched to a new channel associated with said program information stored in the memory buffer, recalling the digital content from the memory buffer for use in providing a fast channel change operation to the new channel, as claimed.

Accordingly, Reitmeier alone or in combination with Fries fails to render independent Claim 1 obvious, under 35 U.S.C. §103(a). Independent Claims 9, 17 and 23 recite limitations similar to that of independent Claim 1 that have been presented and discussed above. Accordingly, Claims 9, 17 and 23 are patentable for similar reasons that Claim 1 is patentable. Dependent claims are patentable by virtue of their dependency.

Moreover, Independent Claims 9 recites a third tuner, as claimed. Fries fails to teach or suggest the third tuner, as claimed. For example, Fries discloses a first tuner and an optional second tuner (see Fries, paragraph 77 and see Figure 3, element 300 and 302). The rejection asserts that Fries discloses that each tuner represent one or more tuners. Applicants respectfully disagree because Fries discloses that these two tuners are representative of one or more in-band tuners (see Fries, paragraph 77). Thus, Fries fails to teach or suggest a third tuner to access a third transport stream associated with a third frequency, as claimed.

Claim 30 is patentable by virtue of its dependency. As such, allowance of Claims 1-29 is earnestly solicited.

For the above reasons, the Applicants request reconsideration and withdrawal of rejections under 35 U.S.C. §103.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-30 overcome the rejections of record and, therefore, allowance of the rejected Claims 1-30 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,
MURABITO, HAO & BARNES LLP

Dated: April 6, 2009

/Amir A. Tabarrok/
Amir A. Tabarrok
Registration No. 57,137

MURABITO, HAO & BARNES LLP
Two North Market Street
Third Floor
San Jose, California 95113

(408) 938-9060 Voice
(408) 938-9069 Facsimile